

Appl. No. 08/958,088
Amendment dated July 28, 2003
Reply to Office Action of January 29, 2003

REMARKS

On page 4 of the Office Action, the Examiner contends that Applicants' citation of the New Oxford American Dictionary, Oxford Press (2001) on page 4 (third paragraph) of the amendment filed on August 15, 2002, is improper because the filing date of the application is October 27, 1997. Accordingly, the Examiner stated that it is improper to cite a dictionary published in the year 2001 as evidence for terms utilized in an application filed prior to the year 2001.

Applicants respectfully disagree with the Examiner. On October 16, 2002, the United States Court of Appeals for the Federal Circuit issued its opinion in *Texas Digital Systems, Inc. v. Telegenix, Inc.*, 308 F.3d 1193 (Fed. Cir. 2002). That case is now considered a leading case on the use of dictionaries to construe claim language. In that case, the court held that it is the issue date of the patent that is relevant to determining the use of a dictionary in construing language in a claim. In that case the court stated:

When a patent is granted prosecution is concluded, the intrinsic record is fixed, and the public is placed on notice of its allowed claims. Dictionaries, encyclopedias, and treatises, publicly available at the time the patent is issued (*emphasis added*), are objective resources that serve as reliable sources of information on the established meanings that would have been attributed to the terms of the claims by those of skill in the art. Such references are unbiased reflections of common understanding not influenced by expert testimony or events subsequent to the fixing of the intrinsic record by the grant of the patent, not colored by the motives of the parties, and not inspired by litigation. . . .

308 F.3d at 1202-03

However, whether or not the issue date of the patent or the filing date of the patent application is used, the dictionary meanings of the terms "managing" and "monitoring" are the same. In the Tenth Edition of Merriam Webster's Collegiate Dictionary "managing" is defined as "to exercise executive, administrative, and supervisory direction of . . ." "Monitoring" is defined as "to watch, keep track of, or check . . ." These entries are attached hereto as Exhibit A. Applicants submit that these meanings in the Merriam Webster's Dictionary, which bears a

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copyright of 1995, set forth the same meanings as the Oxford Dictionary previously cited by Applicants.

Accordingly, Applicants submit that the term "CPU manages and monitors the digital logic component" is supported by the disclosure.

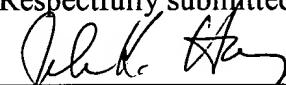
The Examiner now agrees that the CPU manages the combining process. However, the Examiner contends that the disclosure does not support the CPU managing the serializer. Applicants respectfully traverse this rejection, but have amended claim 57. Thus, the rejection is moot. Applicants, however, want to make it clear that this amendment is submitted without them in any way agreeing that the Examiner's position has any merit, without abandoning the subject matter and without dedicating such subject matter to the public. Applicants specifically reserve the right to file a continuation or any other form of application to obtain all appropriate claim coverage to which they are entitled.

Should the Examiner determine that anything further is necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the Applicants undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, caused by this filing to Deposit Account Number 04-1425.

Dated: July 28, 2003

Respectfully submitted,



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Enclosure: Exhibit A

EXHIBIT A



Merriam- Webster's Collegiate® Dictionary

TENTH EDITION

Merriam-Webster, Incorporated
Springfield, Massachusetts, U.S.A.

he Preface to
m...Webster's



A GENUINE MERRIAM-WEBSTER®

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Merriam-Webster® is the name you should look for when you consider the purchase of dictionaries or other fine reference books. It carries the reputation of a company that has been publishing since 1831 and is your assurance of quality and authority.

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1. English language—Dictionaries. I. Merriam-Webster, Inc.

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Abbreviations

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— used interjectionally to express intensity of feeling (~, what a game)

2 a : INDIVIDUAL PERSON (*a ~ could get killed there*) **b :** the individual who can fulfill or who has been chosen to fulfill one's requirements (*she's your ~*) **3 a :** a feudal tenant: VASSAL **b :** an adult male servant **c pl :** the working force as distinguished from the employer and usu. the management **4 a :** one of the distinctive objects moved by each player in various board games **b :** one of the players on a team **5 :** an alumnus or student at a college or university (*a Bowdoin ~*) **6 Christian Science :** the compound idea of infinite Spirit: the spiritual image and likeness of God: the full representation of the Mind **7 often cap :** POLICE (*when I heard the siren, I knew it was the White Man — Amer. Speech*) **8 often cap :** the white establishment: white society (*surprise! that any black ... should take on so about The White Man — Peter Goldman*) **9 :** one extremely fond of or devoted to something specified (strictly a vanilla ice cream ~) — **man-less \(\text{m}\text{an}\text{-l}\text{es}\)** adj — **man-like \(\text{m}\text{an}\text{-l}\text{i}\text{k}\)** adj — as one man: with the agreement and consent of all: UNANIMOUSLY — **one's own man :** free from interference or control: INDEPENDENT — to a man: without exception

2 man vt manned; manning (12c) **1 a :** to supply with people (as for service) (~ a fleet) **b :** to station members of a ship's crew at (~ the captain) **c :** to serve in the force or complement of (*we'll ~ the concession stand while you sell tickets*) **2 :** to accustom (as a hawk) to humans and the human environment **3 :** to furnish with strength or powers of resistance: BRACE

ma-na \(\text{m}\text{a}\text{-n}\text{a}\) n [of Polynesian origin; akin to Hawaiian & Maori *mana mana*] (ca. 1843) **1 :** the power of the elemental forces of nature embodied in an object or person **2 :** moral authority: PRESTIGE

man-about-town \(\text{m}\text{a}\text{n}\text{-}\text{a}\text{b}\text{t}\text{-t}\text{a}\text{n}\text{w}\text{o}\text{n}\text{} n, pl **men-about-town** \(\text{m}\text{e}\text{n}\text{-}\text{a}\text{b}\text{t}\text{-t}\text{a}\text{n}\text{w}\text{o}\text{n}\text{} n [ME *manicler*, fr. MF, fr. L *manicula*, dim. of *manus* hand — more at MANUAL] (14c) **1 :** a shackle for the hand or wrist: HANDCUFF — **usu.** used in pl. **2 :** something used as a restraint

manacle vt man-a-cled; man-a-cling \(\text{m}\text{a}\text{n}\text{-}\text{a}\text{c}\text{l}\text{-}\text{e}\text{l}\text{d}\text{} adj (14c) **1 :** to confine (the hands) with manacles **2 :** to make fast or secure: BIND; broadly: to restrain from movement, progress, or action *syn* see HAMPER

man-age \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-m}\text{a}\text{n}\text{t}\text{} v [It *maneggiare*, fr. *mano*, hand, fr. L *manus*] vt (1561) **1 :** to handle or direct with a degree of skill: as **a :** to make and keep compliant (*can't ~ her child*) **b :** to treat with care: HUSBAND (*managed his resources carefully*) **c :** to exercise executive, administrative, and supervisory direction of (~ a business) (~ a bond issue) (~ a baseball team) **2 :** to work upon or try to alter for a purpose (~ the press) (~ stress) **3 :** to succeed in accomplishing: CONTRIVE (*managed to escape from prison*) **4 :** to direct the professional career of (an agency that ~s entertainers) ~ vi **1 a :** to direct or carry on business or affairs; also: to direct a baseball team **b :** to admit of being carried on **2 :** to achieve one's purpose *syn* see CONDUCT

manage n [It *maneggiare* management, training of horse, fr. *maneggiare*] (ca. 1587) **1 a :** archaic: the action and paces of a trained riding horse **b :** the schooling or handling of a horse **c :** a riding school **2 obs :** MANAGEMENT

man-age-able \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-j}\text{-b}\text{e}\text{l}\text{} adj (1598) : capable of being managed — **man-age-abil-i-ty \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-j}\text{-b}\text{i}\text{l}\text{-t}\text{y}\text{}** n — **man-age-able-ness \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-b}\text{a}\text{l}\text{-n}\text{s}\text{}** n — **man-age-ably \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-b}\text{e}\text{l}\text{-b}\text{y}\text{}** adv

man-age-ment \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-m}\text{e}\text{n}\text{t}\text{} n (1598) **1 :** the act or art of managing: the conducting or supervising of something (as a business) **2 :** judicious use of means to accomplish an end **3 :** the collective body of those who manage or direct an enterprise — **man-age-men-tal \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-m}\text{e}\text{n}\text{-t}\text{a}\text{l}\text{}** adj

man-age-er \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-j}\text{-r}\text{o}\text{l}\text{} n (1588) : one that manages: as **a :** a person who conducts business or household affairs **b :** a person whose work or profession is management **c (1) :** a person who directs a team or athlete (2) : a student who in scholastic or collegiate sports supervises equipment and records under the direction of a coach — **man-age-ri-al \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-j}\text{-r}\text{e}\text{-a}\text{l}\text{}** adj — **man-age-ri-al-ly \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-j}\text{-r}\text{e}\text{-a}\text{l}\text{-l}\text{y}\text{}** adv — **man-ag-er-ship \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-j}\text{-r}\text{a}\text{p}\text{h}\text{y}\text{}** n

man-ag-er-ess \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{j}\text{-j}\text{-r}\text{a}\text{s}\text{} n (1797) : a woman who is a manager

managing editor n (1865) : an editor in executive and supervisory charge of all editorial activities of a publication (as a newspaper)

ma-na-na \(\text{m}\text{a}\text{n}\text{-n}\text{a}\text{-n}\text{a}\text{} n [Sp, lit., tomorrow, fr. (assumed) *VL māneana*, fr. *sem.* of *māneanus* early, fr. L *māne* early in the morning] (1845) : an indefinite time in the future

manana *adv* (1879) : an indefinite time in the future

man ape n (ca. 1864) **1 :** GREAT APE **2 :** any of various fossil primates intermediate in characteristics between recent humans and the great apes

Ma-nas-seh \(\text{m}\text{a}\text{n}\text{-n}\text{a}\text{-s}\text{h}\text{} n [Heb *Mēnashshēh*] **1 :** a son of Joseph and the traditional eponymous ancestor of one of the tribes of Israel **2 :** a king of Judah reigning in the 7th century B.C. and noted for his attempt to establish polytheism

man-at-arms \(\text{m}\text{a}\text{n}\text{-}\text{a}\text{t}\text{-}\text{a}\text{r}\text{m}\text{s}\text{} n, pl **men-at-arms** \(\text{m}\text{e}\text{n}\text{-}\text{a}\text{t}\text{-}\text{a}\text{r}\text{m}\text{s}\text{} (1581) **1 :** SOLDIER: esp: a heavily armed and usu. mounted soldier

man-a-tee \(\text{m}\text{a}\text{n}\text{-n}\text{a}\text{-t}\text{e}\text{e}\text{} n [Sp *manatí*] (1555) : any of a genus (*Trichechus*) of chiefly tropical aquatic herbivorous mammals that differ from the related dugong esp. in having the tail rounded

Man-ches-ter terrier \(\text{m}\text{a}\text{n}\text{-n}\text{e}\text{s}\text{-t}\text{e}\text{r}\text{-t}\text{e}\text{r}\text{} n [Manchester, England] (1891) : any of a breed of small short-haired black-and-tan terriers developed in England

man-child \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{l}\text{d}\text{h}\text{} n, pl **men-child-ren** \(\text{m}\text{e}\text{n}\text{-n}\text{i}\text{l}\text{d}\text{h}\text{-r}\text{e}\text{n}\text{} (14c) : a male child: SON

man-chi-neel \(\text{m}\text{a}\text{n}\text{-n}\text{a}\text{-n}\text{e}\text{e}\text{l}\text{} n [F *mancenille*, fr. Sp *manzanilla*, fr. dim. of *manzana* apple] (1630) : a poisonous tropical American tree (*Hippomane mancinella*) of the spurge family having a blistering milky juice and apple-shaped fruit

Man-chu \(\text{m}\text{a}\text{n}\text{-n}\text{u}\text{} n, man-\(\text{u}\) n, pl **Manchu or Manchus** (1697) **1 :** a member of an indigenous people of Manchuria who conquered China and established a dynasty there in 1644 **2 :** the Tungusic language of the Manchu people — **Manchu adj**

man-cip-ple \(\text{m}\text{a}\text{n}\text{-n}\text{i}\text{p}\text{l}\text{-s}\text{a}\text{p}\text{l}\text{v}\text{} n [ME, fr. ML *mancipium* office of steward, fr. L, *act of purchase*, fr. *mancip-*, *manceps* purchaser — more at

EMANCIPATE] (13c) : a steward or purveyor esp. for a college or university

-mancy n comb form [ME *-mancie*, fr. OF, fr. L *-mania*, fr. *-manteia*, fr. *manteia*, fr. *mantis* diviner, prophet — more at MAN]

: divination (*onciromancy*)

Man-dae-an \(\text{m}\text{a}\text{n}\text{-d}\text{e}\text{-a}\text{n}\text{} n [Mandaean *mandayād* having known (1875) **1 :** a member of a Gnostic sect of the lower Tigris and Euphrates regions **2 :** a form of Aramaic found in documents written by Mandaeans — **Mandaean adj**

man-da-la \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-l}\text{a}\text{} n [Skt *mandala circle*] (1859) **1 :** a Hindu Buddhist graphic symbol of the universe; specif: a circle enclosed square with a deity on each side **2 :** a graphic and often symmetrical ushu, in the form of a circle divided into four separate sectors or bearing a multiple projection of an image — **man-dal-ic \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-l}\text{i}\text{c}\text{}** adj

man-da-mus \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-m}\text{a}\text{s}\text{} n [L, *we enjoin*, fr. *mandare*] (1511)

writ issued by a superior court commanding the performance of a specified official act or duty

Man-dan \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-n}\text{} n, pl **Mandan or Mandans** (1805) **1 :** member of an American Indian people of the Missouri River Valley No. Dakota **2 :** the Siouan language of the Mandans

man-da-ri-n \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-r}\text{i}\text{n}\text{} n [Pg *mandarin*, fr. Malay *mentri*, Skt *mantrin* counselor, fr. *mantra* counsel — more at MANTRA] **1 :** a public official in the Chinese Empire of any of nine subgrades **b (1) :** a pedantic official (2) : BUREAUCRAT **c :** a person of position and influence often in intellectual or literary circles; esp: an elder and often traditionalist or reactionary member of such a clique **cap :** a form of spoken Chinese used by the court and the classes of the Empire **b :** the group of closely related Chinese dialects that are spoken in about four fifths of the country and have a steady variety centering about Beijing **3 [F *mandarine*, fr. Sp, *mandarín*, prob. fr. *mandarin* mandarin, fr. Pg *mandarin*; prob. fr. the color of mandarin's robes] **a :** a small spiny orange tree (*Citrus reticulata*) southeastern Asia with yellow to reddish orange loose-rind fruit; also: a derivative of this tree developed in cultivation, by artificial selection or hybridization **b :** the fruit of a mandarin — **man-da-ri-ni-zation \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-r}\text{i}\text{-n}\text{i}\text{-z}\text{a}\text{t}\text{u}\text{s}\text{}** adj — **mandarin adj** (1604) **1 :** of, relating to, or typical of a mandarin (graces). **2 :** marked by polished ornate complexity of language or prose**

man-da-ri-nate \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-r}\text{i}\text{-n}\text{a}\text{-t}\text{a}\text{t}\text{u}\text{s}\text{} n [prob. fr. F *mandarin*, fr. Pg *mandarin*] (ca. 1741) **1 :** the office or rank of a mandarin **2 :** a body of mandarins **3 :** rule by mandarins

mandarin collar n (1947) : a narrow stand-up collar; usu. worn front

mandarin orange n (1771) : MANDARIN

man-da-tary \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-t}\text{e}\text{-r}\text{y}\text{} n, pl **tar-les** (15c) : MANDATORY

man-date \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-t}\text{e}\text{} n [L: MF *mandat*, fr. L, *mandare*, neut. of *mandatus*, pp. of *mandare* to entrust, enjoin, prob. like *manus* hand + *-dere* to put — more at MANUAL DO] (1501) **a :** authoritative command; esp: a formal order from a superior or official an inferior one **b :** an authorization to act given to a representative (accepted the ~ of the people) **3 :** a: an order or concession granted by the League of Nations to a member nation for establishment of responsible government over a former German or other conquered territory **b :** a mandated territory

mandate vt man-dat-ed; man-dat-ing (1919) **1 :** to administer (as a territory) under a mandate **2 :** to make mandatory

DER: also: DIRECT, REQUIRE

man-da-to-ry \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-t}\text{e}\text{-r}\text{y}\text{} n, *\text{t}\text{o}-\text{r}\text{-}\text{y}* adj (1681) : one that gives a mandate

man-da-to-ry \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-t}\text{e}\text{-r}\text{y}\text{} n, *\text{t}\text{o}-\text{r}\text{-}\text{y}* adj (1576) **1 :** containing constituting a command: OBLIGATORY (~ retirement age) **2 :** relating to, or holding a League of Nations mandate — **man-da-to-ry \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-t}\text{e}\text{-r}\text{y}\text{}** adj

mandatory n, pl -ries (1661) : one given a mandate; esp: holding a mandate from the League of Nations

man-day \(\text{m}\text{a}\text{n}\text{-d}\text{a}\text{-d}\text{a}\text{y}\text{} n (1925) : a unit of one day's work by one

Man-de \(\text{m}\text{a}\text{n}\text{-d}\text{e}\text{-}\text{} n (1883) **1 :** MANDINGO **2 :** a branch of the Niger-Congo language family spoken primarily in Sierra Leone, Guinea, Ivory Coast, Mali, and Burkina Faso

man-di-bl-e \(\text{m}\text{a}\text{n}\text{-d}\text{i}\text{-b}\text{e}\text{l}\text{} n [MF, fr. LL *mandibula*, fr. L *mandibula*, chew; prob. akin to Gr *masasthai* to chew] (15c) **1 :** JAW (the lower jaw consisting of a single bone or of completely fused teeth); the lower jaw with its investing soft parts **c :** either the lower segment of the bill of a bird **2 :** any of various insect mouthparts serving to hold or bite food materials; esp: either of the anterior pair of mouth appendages of an arthropod often having strong biting jaws — **man-dib-u-lar \(\text{m}\text{a}\text{n}\text{-d}\text{i}\text{-b}\text{u}\text{-l}\text{a}\text{r}\text{}** adj

man-dib-u-late \(\text{m}\text{a}\text{n}\text{-d}\text{i}\text{-b}\text{u}\text{-l}\text{a}\text{-t}\text{e}\text{} adj

Man-din-go \(\text{m}\text{a}\text{n}\text{-d}\text{i}\text{-g}\text{o}\text{} n, pl **Mandingo or Mandingo** (1623) **1 :** a member of a people of western Africa living in the area of the upper Niger valley **2 :** the language of the Mandingo people

Man-din-ka \(\text{m}\text{a}\text{n}\text{-d}\text{i}\text{-k}\text{a}\text{} n, pl **Mandinka or Mandinkas** (1939) : MALINKÉ

man-di-o-ca \(\text{m}\text{a}\text{n}\text{-d}\text{i}\text{-o}\text{-k}\text{a}\text{} var of MANIOC

man-do-la \(\text{m}\text{a}\text{n}\text{-d}\text{o}\text{-l}\text{a}\text{} n [It, fr. F *mandore*, modif. of LL *pandura* 3-stringed lute — more at BANDORE] (1758) **1 :** a 16th and 17th century lute that is the ancestor of the smaller mandolin

man-do-lin \(\text{m}\text{a}\text{n}\text{-d}\text{o}\text{-l}\text{i}\text{n}\text{}, **'man-d\text{il}\text{-on}** also **man-do-line** \(\text{m}\text{a}\text{n}\text{-d}\text{o}\text{-l}\text{e}\text{n}\text{}, **'man-d\text{il}\text{-on}** n [It *mandolina*, dim. of *mandola*] (1707) **1 :** a musical instrument of the lute family that has usu. pear-shaped body and fretted neck and four to six pairs of strings **2 usu. man-do-line** [F, fr. L *mandolino* mandolin] **a :** a kitchen utensil with a blade for slicing and shredding — **man-do-lin-ist \(\text{m}\text{a}\text{n}\text{-d}\text{o}\text{-l}\text{i}\text{-n}\text{i}\text{-st}\text{}** n

man-drak \(\text{m}\text{a}\text{n}\text{-d}\text{r}\text{a}\text{k}\text{} n [ME, fr. OE, fr. L *mandragora*, fr. Gk] (bef. 12c) : MANDRAKE

man-drake \(\text{m}\text{a}\text{n}\text{-d}\text{r}\text{a}\text{k}\text{} n [ME, prob. alter. of *mandragora*] (14c) **1 :** a Mediterranean herb (*Mandragora officinarum*) of the nightshade family with ovate leaves, yellowish or purple flowers, and a large

root traditionally credited with properties as a narcotic and soporific **2 :** a root or a hole in a piece of wood into which a metal bar that serves as a *curl* is cast, molded, forged, bent, and bearings on which a tool (as a *drill*) is turned **3 :** a long thin head of some mammals (as a deer) — **man-eater \(\text{m}\text{a}\text{n}\text{-e}\text{-t}\text{e}\text{r}\)** n (1600) **a :** appetite for human flesh: as **1 :** GREAT WHITE SHARK — **cal-** **2 :** a large feline (as a lion) feeding on human flesh — **man-eating wolf** n (1903) : a yellow fox (Canis lupus) inhabiting So. America on the nape and lower legs **3 :** *horseplay* also **ma-negre \(\text{m}\text{a}\text{-n}\text{e}\text{-g}\text{r}\text{e}\text{}** n [prob. from *negro*] **4 :** *horseback training* of a horse — **morning horse** n **5 :** *morning horse* or *morning horses* **6 :** *morning horse* or *morning horses* **7 :** *morning horse* or *morning horses* **8 :** *morning horse* or *morning horses* **9 :** *morning horse* or *morning horses* **10 :** *morning horse* or *morning horses* **11 :** *morning horse* or *morning horses* **12 :** *morning horse* or *morning horses* **13 :** *morning horse* or *morning horses* **14 :** *morning horse* or *morning horses* **15 :** *morning horse* or *morning horses* **16 :** *morning horse* or *morning horses* **17 :** *morning horse* or *morning horses* **18 :** *morning horse* or *morning horses* **19 :** *morning horse* or *morning horses* **20 :** *morning horse* or *morning horses* **21 :** *morning horse* or *morning horses* **22 :** 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